

MEMORANDUM TO: All Members of the Metropolitan Council

FROM: Donald W. Jones, Director
Metropolitan Council Office

DATE: **April 4, 2006**

RE: **Analysis Report**

Balances As Of:	<u>3/29/06</u>	<u>3/30/05</u>
<u>GSD 4% RESERVE FUND</u>	*\$1,652,890	\$12,403,275
<u>CONTINGENCY ACCOUNTS</u>		
GSD	- 0 -	- 0 -
USD	\$50,000	\$50,000
<u>GENERAL FUND</u>		
GSD	\$26,413,198	\$28,765,661
USD	\$8,770,800	\$5,003,020
<u>GENERAL PURPOSE SCHOOL FUND</u>	\$17,566,775	\$25,250,424

* Assumes estimated revenues in fiscal year 2006 in the amount of \$6,290,173

– RESOLUTIONS –

RESOLUTION NO. RS2006-1212 (DOZIER) – This resolution approves an interlocal agreement between the Metropolitan Government and Nashville Electric Service (NES) and the City of Berry Hill relative to access to the 800-MHZ emergency radio dispatch and response system. The Metropolitan Government and NES jointly own and operate the emergency radio dispatch and radio response system utilizing 800-MHZ radio frequencies licensed by the Federal Communications Commission (FCC). This system was jointly funded by Metro and NES, with Metro now maintaining the system and NES contributing funds to maintain the system. Berry Hill, which is an incorporated city within the Metropolitan Government, wishes to continue having access to our emergency radio dispatch and response system. By transferring the frequencies, Berry Hill will be able to utilize our system. The term of this agreement begins upon approval by the council and extends through June 30, 2010. The prior contract with Berry Hill for access to our emergency radio dispatch and response system was approved by the council in 2001.

RESOLUTION NO. RS2006-1213 (MCCLENDON & WALLS) – This resolution approves an additional loan from the Metropolitan Government to the Hospital Authority in the amount of \$6,748,700 to allow General Hospital to remain open through June 30, 2006. In June of 2005, the council appropriated an additional \$16,488,200 to the Hospital Authority as part of the fiscal year 2006 operating budget, for a total supplement to the Hospital Authority of \$44,322,600. This increased supplement was in part to enable the Hospital Authority to repay its large outstanding debt to the Metropolitan Government. The recitals of the resolution state that the Hospital Authority currently owes Metro \$13.7 million, after \$50 million of the debt was “repaid” during the current fiscal year. Substitute Ordinance No. BL2005-663, the operating budget of the Metropolitan Government for fiscal year 2006, gave the finance director the authority to transfer \$50 million from the unreserved fund balance of the GSD debt service fund for the purposes of reducing General Hospital's debt. Thus, \$50 million of the loan owed by the Hospital Authority to the Metropolitan Government was for all practical purposes forgiven, not repaid. Since the Hospital Authority has not received state and federal funding at a level it anticipated to survive as a going concern, General Hospital needs an additional \$6.7 million, in addition to the state essential access funding it anticipates receiving this fiscal year, to stay open until June 30, 2006.

This resolution approves an additional secured loan in the amount of \$6,748,700 to the Hospital Authority, for a total outstanding loan of \$20,548,700. This loan is to be secured by the receivables of the Hospital Authority and is to be repaid by June 30, 2006. However, the resolution also provides that the director of finance is authorized to extend the reimbursement date or enter into a new loan for the same amount for the fiscal year beginning July 1, 2006. Thus, there is no guarantee the loan will be repaid by the end of the fiscal year, and the council would have no further opportunity to approve any extension or renewal of the loan for next fiscal year.

According to the recitals in this resolution, General Hospital's accounts receivable are sufficient to support this additional \$6.7 million loan. The Council Office would point out that the 2005 Comprehensive Annual Financial Report (CAFR), the annual certified audit of the Metropolitan Government, notes that General Hospital may be unable to continue as a going concern due to its lack of sufficient cash flow. The CAFR notes that General Hospital had a net deficit as of June 30, 2005 in the amount of \$40.8 million. The CAFR further notes that General Hospital will continue to be dependent upon the Metropolitan Government to subsidize current and future operations. General Hospital has secured funding from HCA to hire a consultant to assist the hospital in developing a plan to allow it to continue as a going concern.

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RESOLUTION NO. RS2006-1213 (continued)

There is a proposed amendment that would require Council approval by resolution before the finance director could extend the term or renew the loan.

RESOLUTION NO. RS2006-1214 (MCCLENDON & DOZIER) – This resolution approves an amendment to a grant in the amount of \$150,000 from the state emergency management agency to the mayor's office of emergency management to conduct training exercises to prepare emergency first responders for a terrorist attack. The original grant was approved in December 2003, and was to expire October 30, 2005. These funds are to be used for realistic exercises to prepare first responders for weapons of mass destruction terrorism incidents involving chemical, biological, radiological, nuclear, or explosive devices. The focus of the exercise to be conducted by Metro will be the response to an explosion at a local hospital resulting in mass casualties and the relocation of patients to other hospitals.

The training exercise for which these funds were to be used was delayed due to hurricane Katrina. This resolution simply extends the term of the grant until July 31, 2006.

RESOLUTION NO. RS2006-1225 (MCCLENDON & DOZIER) – This resolution approves a grant in the amount of \$77,417 from the Community Foundation of Middle Tennessee to the office of the district attorney general to provide personnel to review, coordinate, and prosecute firearms cases. These federal pass-through funds will be used to pay the salary of an assistant district attorney to review and prosecute serious gun related crimes. The term of the grant is from October 1, 2005 through September 30, 2006.

RESOLUTION NOS. RS2006-1235 THRU 1243 (MCCLENDON) – These nine resolutions appropriate funds from the general fund reserve fund (4% fund) to various departments. Four percent funds may only be used for the purchase of equipment and repairs to buildings. These projects were included as part of the mayor's capital spending plan, but held until adequate funding was in place. The total amount of these seven resolutions is \$20,703,873. The balance in the general fund reserve fund as of March 15, 2006, was \$1,652,890. This assumes unrealized revenue for fiscal year 2006 in the amount of \$20,703,873. The resolutions provide that "The Director of Finance may schedule acquisitions authorized herein to ensure an appropriate balance in the Fund." Copies of the supporting information sheets required by Ordinance No. O86-1534 are attached to this analysis.

Resolution No. RS2006-1235 appropriates \$173,600 from the general fund reserve fund for tablet computers, a digital copier, fax machines, recorders, laserjet printers, and scanners for the codes administration department.

Resolution No. RS2006-1236 appropriates \$2,890,000 from the general fund reserve fund for miscellaneous firefighting equipment, furniture and office equipment for the fire department.

Resolution No. RS2006-1237 appropriates \$11,886,473 from the general fund reserve fund for replacement vehicles, general building repairs, and preventative maintenance for the general services department.

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RESOLUTION NOS. RS2006-1235 THRU 1243 (continued)

Resolution No. RS2006-1238 appropriates \$137,500 from the general fund reserve for miscellaneous office equipment, computers, and furniture for the health department.

Resolution No. RS2006-1239 appropriates \$3,000,000 from the general fund reserve fund for hardware, software, and police mobile data computers for the department of information technology services.

The council office would point out that Section 1 and the caption of the resolution appropriate these funds for the "Information Systems Department". The correct name of the department is the department of information technology services, and the resolution should be amended to reflect this.

Resolution No. RS2006-1240 appropriates \$250,000 from the general fund reserve for miscellaneous equipment and office furniture for the parks and recreation department.

Resolution No. RS2006-1241 appropriates \$469,800 from the general fund reserve fund for training equipment, hardware and software, computer upgrades, and office furniture for the police department.

Resolution No. RS2006-1242 appropriates \$1,787,900 from the general fund reserve fund for miscellaneous books, office furnishings and equipment for the public library.

Resolution No. RS2006-1243 appropriates \$108,600 from the general fund reserve fund for repairs and maintenance, safety equipment, body armor, and breathing equipment for the sheriff's department.

RESOLUTION NO. RS2006-1254 (MCCLENDON) – This annual resolution calls the Metropolitan board of equalization (MBOE) into regular session convening June 1, 2006, and adjourning June 16, 2006, and calls the MBOE into special session convening June 19, 2006, to complete any unfinished business regarding appeals on pro-rated assessments. The special session is not to extend beyond May 31, 2007. The MBOE always meets during the month of June to hear assessments on real property. Historically, the MBOE has been required to have special sessions to conclude their work due to the large number of appeals. State law authorizes county legislative bodies to fix the number of days the board of equalization shall sit in regular session and to call the board into special session to complete unfinished business.

RESOLUTION NO. RS2006-1255 (JAMESON & MCCLENDON) – This resolution approves the waiver of benefit overpayments made to a pensioner in the Metro employee benefit system, which were caused by employee benefit board staff errors. The Metropolitan Code of Laws permits the benefit board to waive such overpayments provided that the beneficiary was without fault or knowledge of the error and would be deprived of income for living expenses if forced to repay the amount of overpayment. The overpayments made to the pensioner total \$884.91. The employee benefit board has approved the waiver and it must be approved by the Metropolitan Council before it becomes final. This resolution is the result of an on-going program of the employee benefit board that reviews all pension payments to assure our pensioners are being paid the correct amount. If the pensioners are underpaid, the back payments are automatically paid without council approval.

RESOLUTION NO. RS2006-1256 (MCCLENDON & TUCKER) – This resolution approves an amendment to a lease agreement between the Metropolitan Government and the Metropolitan Nashville airport authority (MNAA) for the lease of 38.6 acres of the old Genesco warehouse property located at 1415 Murfreesboro Road. This property is used as office and warehousing space for various relocated Metropolitan Government programs, including the Metro surplus warehouse and e-bid program, fleet management, radio shop, human resources training rooms, EMS supply operations, and the police department office of professional accountability. The Metropolitan clerk's records management program will also relocate to this space.

The original lease was approved by the council in February 2005 for a ten year term commencing in January 2005 and ending December 31, 2014, with a possible extension of additional periods of five years each, for a total potential term of forty years. This resolution approves various amendments to the lease agreement, the majority of which are being required by the federal aviation administration. The amendment provides that MNAA will be granted an aviation easement, since a portion of the property is within an approach pattern for one of the airport runways. Metro will be precluded from placing any encroachment or obstruction within the easement airspace. The amendment further restricts Metro from interfering with the airport radar or runway lighting systems. Metro agrees, to the extent legally permissible, to release MNAA from any claims or damages resulting from noise, vibration, smoke or dust caused by air traffic within the easement area.

This lease amendment also makes certain changes to the terms and payment schedule of the lease. The amendment clarifies that the commencement date of the lease will be the date this amendment is approved by the council. The original lease provided that the commencement date was to be upon approval of the lease by the Federal Aviation Administration (FAA). Since the FAA conditioned its approval upon the above changes to the lease, the term will not commence until the amendment is approved. The amendment also modifies the rent escalator provisions, which take effect in 2010. The current lease agreement provides that Metro will pay rent through December 31, 2009, in the amount of \$600,191.40 per year, payable in monthly installments of \$50,015.95. After January 1, 2010, the rent amount was to increase to 103.5% of the base rent. This amendment changes the rent increase effective in 2010 from 3.5% to 9.4%.

This resolution has been approved by the planning commission.

RESOLUTION NO. RS2006-1257 (MCCLENDON) – This resolution appropriates \$90,300 in grant funds from the state department of health to the Metropolitan board of health for the women, infants and children (WIC) program. A grant award of \$1,597,400 was accepted by the health department last fall, and the funds were anticipated as revenue and appropriated by the council to the health department as part of the fiscal year 2006 budget ordinance. The federal government has awarded an additional \$90,300 for this program to be passed through the state to the Metro health department. This resolution simply appropriates the additional funds to the health department.

The department of law has advised the health department that they no longer need to obtain council approval in order to accept grants. The council office disagrees with the legal department's position. The board of health was created by the Metropolitan Charter to exercise the administrative functions of the Metropolitan Government pertaining to public health. The Charter does provide that one of the duties of the health department is to "cooperate with agencies of the United States and of the State (continued on next page)

RESOLUTION NO. RS2006-1257 (continued)

of Tennessee in all matters of public health and sanitation and accept, receive and provide for the use of federal and state grants." However, the Charter further provides that health department contracts with other governmental agencies for health department services are subject to confirmation of the council by resolution. Grant agreements, such as this grant in question, are most definitely contracts that obligate the health department to provide certain services in exchange for the grant funding.

The council office advises the council not to appropriate these grant funds until the grant agreement is submitted to the council for approval by resolution.

RESOLUTION NO. RS2006-1258 (MCCLENDON) – This resolution appropriates \$175,543 in grant funds from the state department of health to the Metropolitan board of health to provide primary care services to uninsured adults. These grant funds are to implement the governor's healthcare safety net task force recommendations as a result of the reductions in the TennCare rolls. These funds will be used to pay for health department personnel costs, contract staffing costs, and equipment to provide primary care services, including access to pharmacy services, laboratory services, and specialty referral for uninsured adults. The term of this grant is from September 1, 2005 through June 30, 2006.

RESOLUTION NO. RS2006-1259 (MCCLENDON) – This resolution appropriates \$30,000 in grant funds from the state department of health to the Metropolitan board of health for the characterization of ambient concentrations of hazardous air pollutants. The Metro health department is responsible for air quality monitoring within Nashville and Davidson County on behalf of the U.S. environmental protection agency (EPA). A grant award of \$419,480 has already been accepted by the health department and the funds were appropriated by the Council to the health department as part of the fiscal year 2006 budget ordinance. The EPA has awarded an additional \$30,000 for this program, which requires action by the council to appropriate the additional money to the health department.

For the reasons stated in the analysis of Resolution No. RS2006-1257 above, the council office advises the council not to appropriate these grant funds until the grant agreement is submitted to the Council for approval by resolution.

RESOLUTION NO. RS2006-1260 (MCCLENDON) – This resolution approves a contract between the Metropolitan department of health and Meharry Medical College School of Dentistry to provide dental services at the downtown clinic. Total payments under the contract are not to exceed \$68,115. The term of the contract dates back to September 27, 2004, and extends through June 30, 2006, with a possible two-year extension. Pursuant to the contract, Meharry agrees to provide an attending dentist to see patients at the downtown clinic. Meharry is required to maintain a \$1 million professional liability insurance policy to protect Metro from claims arising from the dental services provided.

RESOLUTION NO. RS2006-1261 & RS2006-1262 – These two resolutions accept fast track infrastructure development program (FIDP) grants from the state department of economic and community development for water/sewer upgrades associated with the relocation of the national headquarters of the Fraternal Order of Police and the expansion of Purity Dairies, Inc. On October 18, 2005, the council approved applications for these grants, which have now been awarded. The FIDP, formerly known as the Tennessee industrial infrastructure program, is a state program in which the Metropolitan Government, the Greater Nashville Regional Council, and private businesses participate to obtain grant funds for infrastructure improvements. The funds are available to businesses that create new jobs through the expansion of new facilities. In November 2004, the council enacted Ordinance No. BL2004-382, which transferred the administration of this program from the industrial development board and the Mayor's office of economic development to the department of public works.

Resolution No. RS2006-1261 (Toler & McClendon) approves a state FIDP grant in the amount of \$44,573 pertaining to the relocation of the Fraternal Order of Police headquarters. These funds will be used to construct a 450-foot sanitary sewer line to serve the new National Fraternal Order of Police headquarters to be located at the intersection of Marriott Drive and Ermac Drive, near the junction of I-40 and Briley Parkway. There is a required match of \$29,716, which is to be provided by the Fraternal Order of Police. No Metropolitan Government funds are pledged for this grant.

Resolution No. RS2006-1262 (Greer, Toler & McClendon) approves a state FIDP grant in the amount of \$165,150 for costs associated with the water line relocation and upgrade of a culvert for the expansion of the Purity Dairies facility located on Murfreesboro Road. Purity Dairies is constructing a new cooler building adjacent to its existing facility. In order for the new cooler building to be constructed, a portion of Exressway Park Drive must be relocated. This roadway relocation requires that an old eight inch water main in the existing roadway and a 275-foot-long culvert be relocated, as well.

Purity Dairies, Inc., was established in 1925, and has maintained its present location on Murfreesboro Road since 1945. Purity currently has 593 employees, and is expected to add an additional 50-70 jobs. In addition to the economic benefits, relocation of this roadway will also improve security risks, as Purity Dairies has been identified by the U.S. department of homeland security as a "key terrorist potential target". There is a required match of \$110,100, which is to be provided by Purity Dairies, Inc. No Metropolitan Government funds are pledged for this grant.

RESOLUTION NO. RS2006-1263 (MCCLENDON) – This resolution compromises and settles the claim of Christine Foster against the Metropolitan Government for the amount of \$10,000. On August 18, 2005, Ms. Foster was traveling south on Riverside Drive when her vehicle was struck by a Metro vehicle operated by a sheriff's office employee at the intersection of Riverside Drive and Creighton Avenue. The sheriff's office employee's view was obstructed and he proceeded into the path of Ms. Foster's oncoming vehicle. Ms. Foster's 1994 Pontiac Grand Am was a total loss, and the Metropolitan Government has already settled the property damage portion of the claim for \$2,225, which was the fair market value of the vehicle. Ms. Foster also sustained personal injuries consisting of a pinched nerve and post concussion syndrome resulting in medical bills totaling \$4,315.19.

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RESOLUTION NO. RS2006-1263 (continued)

The department of law recommends settling this claim for \$10,000, which consists of Ms. Foster's medical bills and \$5,684.81 in pain and suffering. This settlement is to be paid from the self-insured liability fund. No disciplinary action was taken against the sheriff's office employee involved in this accident.

RESOLUTION NO. RS2006-1264 (MCCLENDON) – This resolution authorizes the department of law to accept \$5,724.11 in compromise and settlement of the Metropolitan Government's claim against Tammy Longstreet. This settlement is the result of a chain reaction accident that occurred on June 22, 2005 on I-65 North near the Wedgewood exit. A Metro police officer had slowed to avoid a tire in the roadway when his vehicle was struck in the rear by a vehicle driven by Larry Murphy, whose vehicle had been struck by Ms. Longstreet's vehicle. The Metro police car sustained heavy damage totaling \$5,724.11. The department of law recommends setting this claim for the amount of damage to the police car.

The Metro officer's actions were not deemed to be a contributing factor to this accident. Rather, the accident was caused by Ms. Longstreet following too close.

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- BILLS ON SECOND READING -

ORDINANCE NOS. BL2006-990 (GILMORE & MCCLENDON) – This ordinance declares property located at 5022 Old Hydes Ferry Pike to be surplus and authorizes the director of public property administration to sell the property in accordance with the standard procedures for the disposition of surplus property. The Metropolitan board of public education has determined that this property is no longer needed for school purposes. The council must approve the disposition of all property maintained by the school board before it can be sold. The proceeds of the sale will be credited to the unappropriated school fund. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2006-992 (TUCKER & WILHOITE) – This ordinance amends the Metropolitan Code of Laws to require the Metro fire marshal to maintain a record of all blasting permit information, which is to be available for public inspection. The fire marshal already makes permit information available for public inspection, as they are public records of the Metropolitan Government. However, this ordinance would also require the fire marshal to maintain a record of the times all blasting is to occur, in addition to the name of the permit holder and the location where blasting is to take place.

The Council Office is of the opinion that this ordinance violates state law. The state legislature has expressly preempted local governments from enacting any ordinances or regulations pertaining to blasting. Further, state law only grants authority to the department of commerce and insurance to adopt rules and regulations to implement the blasting laws, not local governments.

ORDINANCE NO. BL2006-998 (WALLACE & RYMAN) – This ordinance amends the Metropolitan Code of Laws to prohibit any temporary or permanent encroachment in the public right-of-way without a permit from Metro. The Code currently technically prohibits persons from placing encroachments into the right-of-way except when permitted by Metro. The Code provides that the council may grant encroachments within the right-of-way by ordinance, and may grant aerial encroachments over the right-of-way by resolution. However, the ordinance does not define the term “encroachment”. Thus, an argument can be made that temporary encroachments, such as news racks, do not require a permit from Metro.

This ordinance would require that a permit be obtained from Metro for all permanent or temporary encroachments in the right-of-way, including signs, sandwich boards, vegetation, news racks, fences, and walls. Any person or entity requesting such an encroachment would be required to pay a permit fee of \$100 to Metro, and must provide a public liability insurance policy in an amount directed by the department of law holding Metro harmless from claims or damages arising from the installation or maintenance of the encroachment.

ORDINANCE NO. BL2006-1000 (SHULMAN, TOLER & OTHERS) – This ordinance authorizes the mayor to enter into a licensing agreement with the Nashville and Western Railroad Corporation for the purpose of installing a fifty-foot-long water main in the railroad right-of-way at the intersection of Charlotte Avenue and 31st Avenue. This water main will consist of a 12” ductile iron pipe and a 24” steel carrier pipe. The license would be in perpetuity, provided however, that the agreement may be terminated by either party upon 90 days written notice, and Metro would be required to remove the water main from the railroad right-of-way. Metro is required to pay a one-time fee of \$300.00 to cover the railroad’s costs in preparing the agreement.

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ORDINANCE NO. BL2006-1000 (continued)

Metro agrees to indemnify the railroad, to the extent it legally may, for claims or injuries arising from the installation and maintenance of the water main. Metro, or its contractor, will also be required to maintain a \$2,000,000 certificate of public liability insurance. License agreements with railroads are typically the only contracts in which Metro agrees to provide a certificate of liability insurance, especially since Metro can require the contractor actually performing the installation work to maintain the insurance. This ordinance further provides that any future agreements with Nashville & Western Railroad concerning the use of railroad right-of-way for stormwater drainage and water/sewer line construction may be approved by resolution of the council.

Metro has several similar licensing agreements with other railroads.

ORDINANCE NOS. BL2006-1001 (BRILEY & TOLER) – This ordinance authorizes the Metropolitan Government to enter into a renewal of an easement on property that is part of the J. Percy Priest Dam and Reservoir project owned by the U.S. Army Corps of Engineers. This easement is being renewed for a twenty-year period on behalf of the department of water and sewerage services at no cost to the Metropolitan Government. The purpose of this easement is for the operation and maintenance of a water pipeline servicing the landlocked property near 1757 Bakers Grove Road. The term of the easement is from December 24, 2005 through December 25, 2035.

This ordinance has been approved by the planning commission.

ORDINANCE NOS. BL2006-1002 through BL2006-1005 – These four ordinances accept easements to allow for the completion of multiple stormwater projects. These easements are being donated by the property owners at no cost to the Metropolitan Government. These resolutions have been approved by the planning commission.

Ordinance No. BL2006-1002 (Toler & Isabel) authorizes the acceptance of easements for the following properties:

- 2629 Old Buena Vista Road
- Melvin Jones Blvd, unnumbered
- Melvin Jones Drive, unnumbered
- Welch Road, unnumbered

Ordinance No. BL2006-1003 (Tucker, Toler & Others) authorizes the acceptance of easements for the following properties:

- 726 4th Avenue North
- 3000 West End Avenue
- 7454 Old Hickory Blvd.
- 33 Burton Hills Blvd.
- 1831 Linder Industrial Drive
- 6682 Nolensville Pike
- 8400 Highway 100

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ORDINANCE NOS. BL2006-1002 through BL2006-1005 (continued)

Ordinance No. BL2006-1004 (Cole, Toler & Dread) authorizes the acceptance of easements for the following properties:

- 506 Madison Street
- 504 Madison Street
- 1201 5th Avenue N., #101
- 1415 Lebanon Pike
- 5010 Old Hickory Blvd.
- 555 Church Street East
- 740 Darden Place
- 1510 Branch Street
- 1017 Fatherland Street

Ordinance No. BL2006-1005 (Coleman, Gilmore & Others) authorizes the acceptance of easements for the following properties:

- 217 W. Maplewood Lane
- 6815 Nolensville Road
- 275 Jackson Meadows Drive
- 950 Fiber Glass Road
- 110 31st Ave. North
- 3017 Hedrick Street
- 7164 Whites Creek Pike
- Mercomatic Drive, unnumbered
- 12330 Old Hickory Blvd.
- 701 Marriott Drive
- Ermac Drive, unnumbered
- Marriott Drive, unnumbered
- 7335 Charlotte Pike

ORDINANCE NO. BL2006-1006 (GOTTO, MCCLENDON & TOLER) – This ordinance authorizes the director of public property administration to acquire three easements by negotiation or condemnation in conjunction with the Roxborough water tank project. Easements are to be acquired for the following properties:

- 3108 Earhart Road
- 5164 Roxborough Drive
- 5168 Roxborough Drive

The estimated cost for the easements is \$1,500. This ordinance has been approved by the planning commission.

ORDINANCE NOS. BL2006-1007 through BL2006-1010 – These four ordinances abandon water and sewer lines and easements that are no longer needed by the department of water and sewerage services. These ordinances have been approved by the planning commission.

Ordinance No. BL2006-1007 (Toler) abandons a 15-inch sanitary sewer line and easement at the Nolensville Road Wal-Mart Supercenter project. The existing sewer line will be replaced by a new 15-inch sewer line.

This ordinance is to be withdrawn at the request of the administration.

Ordinance No. BL2006-1008 (Toler) abandons an 8-inch sanitary sewer line and easement at the Charlotte Pike Advance Auto Parts store. This sewer line will be replaced with a new sewer line of equal size.

Ordinance No. BL2006-1009 (Ryman) abandons a 10-inch sanitary sewer line and easement for the Walgreens development located at Charlotte Pike and D.B Todd Boulevard. This sewer line will be replaced by a new sewer line of equal size.

Ordinance No. BL2006-1010 (Toler and Whitmore) abandons an 8-inch sanitary sewer line and easement at the Hermitage Home Depot on Old Hickory Boulevard. This sewer line will be replaced with a sewer line of equal size.

ORDINANCE NO. BL2006-1011 (RYMAN) – This ordinance abandons Alley # 234 from the intersection of Division Street and Music Circle East around five parcels of property and back to Music Circle East. This closure has been requested by Littlejohn Engineering Associates on behalf of the property owners. There is no future governmental need for this portion of right-of-way, and the Metropolitan Government will retain all easements.

This ordinance has been approved by the planning commission and the traffic and parking commission.

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- BILLS ON THIRD READING -

ORDINANCE NO. BL2006-936 (MURRAY) – This ordinance, as amended, amends the building code to place additional requirements in order to obtain a demolition permit for a historic structure. State law provides that no residential structure may be demolished without approval by the local legislative body if the structure was (1) constructed before 1865; (2) is repairable at a reasonable cost; and (3) the structure has a historical significance besides age itself. This ordinance would add a procedure to the code for determining whether a structure falls within the state law provisions requiring council approval prior to demolition, and would require that the demolition of all historic residential structures first be approved by the executive director of the historic commission. Before a demolition residential structure constructed prior to 1865 could be issued, the applicant would be required to present a report to the director of codes administration and the executive director of the historical commission prepared by a qualified historic restoration consultant that states the following:

1. The qualifications of the person making the report. (The consultant must be a professionally licensed architect or general contractor with a specialty in historic buildings.)
2. The structural condition of the building to be demolished.
3. An estimated cost to repair the structure.
4. A valuation from a qualified historic properties real estate appraiser of the structure to be demolished.

Upon receipt of the report, the historic zoning commission will make a determination at a public meeting as to whether the structure meets the criteria set out in the state law described above. If the structure does meet the criteria, the commission will initiate legislation for consideration by the council.

This ordinance has been approved by the planning commission.

ORDINANCE NOS. BL2006-944 (TOLER) – This ordinance authorizes the director of public property administration to acquire easements by negotiation or condemnation for the purpose of constructing drainage improvements in the Holt Road area. Easements are to be acquired for the following properties:

6775 Holt Road
6801 Holt Road
6720 Holt Road
6713 Holt Road
6671 Holt Road
6600 Holt Road
6575 Holt Road
6541 Holt Road
6464 Holt Road
6461 Holt Road
101 Holt Hills Road

The estimated cost for these easements is \$16,500, which is to be provided from the water and sewer extension and replacement fund. The ordinance provides that the acquisition of additional easements for these same purposes may be approved by resolution of the Council. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2006-974 (DOZIER & WALLACE) - This zoning text change would allow signs with graphics or electronic displays to be located on property within the urban services district (USD) that is oriented to a four-lane or controlled access state highway with a speed limit of forty miles per hour or less. The Zoning Code currently requires that signs with changeable text and graphics remain static for at least two seconds. In 2004, the Council created an exception to this provision to allow graphic and video display signs within the commercial attraction (CA) zoning district, which essentially is limited to the Opryland/Music Valley Drive area.

This ordinance would expand the exception, currently limited to commercial attraction areas, to include all state maintained four-lane roads and controlled access highways located within the USD with a speed limit of forty miles per hour or less. According to the planning staff analysis, this would allow video signs on approximately 69 miles of state highways in Davidson County. This includes a 4.7 mile section of West End Avenue, a 4.7 mile section of Dickerson Pike, a 7.1 mile section of Nolensville Road, a 4 mile section of Charlotte Pike, and a 2.6 mile section of Franklin Road.

The Council Office would point out that the prohibition on video signs was included in the Code for public safety reasons to limit driver distractions.

The Council Office has been requested to prepare several amendments for this ordinance. Two proposed amendments would make the provisions of the ordinance inapplicable to property along Dickerson Pike, Highway 100, Harding Place, and Hillsboro Road. Two other proposed amendments would only permit these video signs as part of a planned unit development (PUD) or a specific plan (SP) district.

This ordinance has been disapproved by the planning commission.

ORDINANCE NO. BL2006-979 (RYMAN, DOZIER & OTHERS) – This ordinance names the Howard Office Complex the “Richard H. Fulton Complex”. The Metro Code of Laws provides that no building of the Metropolitan Government may be named except pursuant to an ordinance enacted by the council. Richard H. Fulton was mayor of the Metropolitan Government from 1975 through 1987, after serving as a senator in the Tennessee General Assembly and a member of the U.S. House of Representatives. Mayor Fulton’s accomplishments include the construction of the Nashville Convention Center and Riverfront Park, the first use of tax increment financing through the Metropolitan Development and Housing Agency, the creation of the Arts Commission and the Historical Zoning Commission, the construction of nine new community centers, and the opening of 21 new parks.

ORDINANCE NOS. BL2006-983 & BL2006-984 (WALLACE) – These two ordinances abandon portions of Metro Government rights-of-way that are no longer needed for governmental purposes. Metro will retain all easements encumbering these areas. These ordinances have been approved by the planning commission.

Ordinance No. BL2006-983 closes Alley #380 and Alley # 381 in the vicinity of the intersection of West End Avenue and 17th Avenue North. This closure has been requested by Littlejohn Engineering for the purpose of consolidating parcels to construct a mixed-use high rise building.

Ordinance No. BL2006-984 abandons a portion of 13th Avenue North between Alley #611 and Interstate 40. This closure has been requested by MDHA. This roadway will be re-routed to connect 17th Avenue North and Jo Johnston Avenue.

ORDINANCE NO. BL2006-985 (TOLER) – This ordinance authorizes the Metropolitan Government to enter into a participation agreement with the Jones Company to provide public sewer service to phase 5 of the Bridgeton Park subdivision in Williamson County. The Jones Company has agreed to contribute \$44,000 toward the cost of the project in aid of construction for a total of 22 single-family home connections. These funds are to be deposited into the water and sewer extension and replacement fund. This is a typical participation agreement entered into by the Metropolitan Government, acting through the department of water and sewerage services, whereby private property owners and/or developers contribute a portion of the cost to extend or upgrade public water and sewer service.

ORDINANCE NOS. BL2006-986 through BL2006-988 – These three ordinances authorize the director of public property administration to acquire easements by negotiation or condemnation for public works and water/sewer improvement projects. These ordinances have been approved by the planning commission.

Ordinance No. BL2006-986 (Toler) authorizes the acquisition of easements for three parcels of property for public works improvements at Demonbreun Street from 8th Avenue South to 10th Avenue South.

Ordinance No. BL2006-987 (Greer, Toler & McClendon) authorizes the acquisition of easements for five parcels of property in order to install a new 8" sewer line near the intersection of Lewis Street and Green Street. Easements are to be acquired for 118 Lewis Street and 59, 63, 55, and 51 Green Street.

Ordinance No. BL2006-988 (Forkum & Toler) authorizes the acquisition of easements for 102 parcels of property in connection with Neelys Bend intersection improvements at Idlewood Avenue, Randy Road, and Larkin Springs Road.

ORDINANCE NOS. BL2006-989 (GILMORE & MCCLENDON) – This ordinance declares property located at 5580 Eatons Creek Road to be surplus and authorizes the director of public property administration to sell the property in accordance with the standard procedures for the disposition of surplus property. The Metropolitan board of public education has determined that this property is no longer needed for school purposes. The council must approve the disposition of all property maintained by the school board before it can be sold. The proceeds of the sale will be credited to the unappropriated school fund. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2006-991 (RYMAN & TOLER) – This ordinance abandons an 8" sanitary sewer line and accompanying easement that will be replaced by a new sewer line and easement for 11 lots in phase 3 of the Harbor Village subdivision. The existing line to be abandoned is no longer needed by the Metropolitan Government. This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2006-993 (HAUSSER, TOLER & DOZIER) – This ordinance authorizes the director of public property administration to acquire a parcel of property on Ashwood Avenue by negotiation or condemnation for the expansion of fire hall #16 in the Belmont-Hillsboro.

This ordinance has been approved by the planning commission.

ORDINANCE NO. BL2006-994 (TOLER & MCCLENDON) – This ordinance authorizes the Metropolitan Government to enter into a participation agreement with Pulte Homes, Tennessee LP to provide public sewer service to section 2 of the Winterset Woods subdivision. The Owl Creek trunk sewer project was constructed in anticipation of developers contributing funds in lieu of construction to connect to the sewer. Pulte Homes has agreed to contribute \$68,000 toward the cost of the projects in aid of construction for a total of 34 single-family home connections. These funds are to be deposited into the water and sewer extension and replacement fund. This is a typical participation agreement entered into by the Metropolitan Government, acting through the department of water and sewerage services, whereby private property owners and/or developers contribute a portion of the cost to extend or upgrade public water and sewer service.

ORDINANCE NOS. BL2006-995 & BL2006-996 (WALLACE) – These two ordinances abandon portions of Metro Government rights-of-way that are no longer needed for governmental purposes. Metro will retain all easements encumbering these areas. These ordinances have been approved by the planning commission and the traffic and parking commission.

Ordinance No. BL2006-995 abandons an unbuilt alley from 3rd Avenue North to 4th Avenue North. This closure has been requested by Lawrence Brothers, LLC, the owner of the two adjacent properties. Although this alley is not notated on the property maps, it is still currently part of the official street and alley map. Consent of the affected property owners is on file with the department of public works.

Ordinance No. BL2006-996 abandons a 62 x 35 foot section of right-of-way at the northwest end of Burns Street. This closure has been requested by the department of water and sewerage services to improve access to the bio-solids facility.

ORDINANCE NO. BL2006-997 (HAUSSER) – This ordinance renames Garland Avenue from 21st Avenue South to 22nd Avenue South, and renames 22nd Avenue South from Garland Avenue to Blakemore Avenue, as “Medical Center Drive.” The portion of these two streets being renamed are private roads owned by Vanderbilt University. The Metropolitan Code provides for the naming of private streets and roads in order to improve emergency services.

This ordinance has been approved by the planning commission and the ECD board.